

Springerville Town Council
Minutes
September 5, 2007
6:00 p.m.

Council: Mary Nedrow Vice Mayor, Eric Baca, Pete Hunt and Phelps Wilkins

Mayor Dyson 6:44 p.m.

Staff: Scott Garms Town Manager, Val Cordova Town Clerk, Tim Shaffery & Eduardo Coronado Town Attorneys, Steve West, Karen Asquith, Larisa Bogardus, Tom Malone and Sheila Dulhanty.

Public: Dave and Amy Pulsifer, Rachel Kuenstler CPA, Kevin Burk, Albert Lassen and Sue Chacon, Candy Cook, Brian Martin, Judy Hayes WMI, Leah Chavez, Reverend Larry Rhodes, Bob Combs, Norm Moulton, Jane Anderson, Harold Schwartz, Jack Husted and Karen Glennon.

1. Vice Mayor Nedrow called the meeting was called to order at 6:02 p.m. and announced that Mayor Dyson was at another meeting and would be here shortly.

2. The Pledge of Allegiance was led by Vice Mayor Nedrow, Invocation by Councilman Hunt.

3. Public Participation: Certificates of Appreciation were presented to Albert B. Lassen and Sue Chacon in recognition for their valuable contributions to the Town of Springerville and ongoing efforts to beautify our Main Street and operating a business that serves the tourists and residents.

Richard Spitzer was also recognized for his participation and service on the Planning and Zoning Commission.

4. Manager, Council and Chamber Reports: None

5. Consent Agenda:

A. Minutes: Consider approval of the minutes from the August 15, 2007 town council meeting.

B. Special Per Diem Request: Consider approval of a per diem request for Mayor Dyson's attendance at a NACOG meeting in Flagstaff.

Pete Hunt/Eric Baca motion to approve consent agenda items 5A through 5B.

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| Vote: | Ayes: | Mary Nedrow |
| | | Eric Baca |
| | | Pete Hunt |
| | | Phelps Wilkins |

6. Ordinance 2007-008: Second reading, discussion and action regarding ordinance # 2007-008 amending chapter 17.84 "Conditional Use Permits" of the Springerville Municipal Code.

Second reading by Mr. Garms, An Ordinance of the Town of Springerville, Arizona, amending Chapters 17.84 "Conditional Use Permits" of the Springerville Municipal Code; and establishing an effective date.

Pete Hunt/Phelps Wilkins motion to approve Ordinance # 2007-008.

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| Vote: | Ayes: | Mary Nedrow |
| | | Eric Baca |
| | | Pete Hunt |
| | | Phelps Wilkins |

7. Ordinance 2007-009: Second reading, discussion and action regarding ordinance #2007-009 adopting the 2007 amendments to the tax code of the Town of Springerville.

Second reading by Mr. Garms, An Ordinance of the Town of Springerville, Arizona, relating to the Privilege License Tax Adopting "The 2007 Amendments to the Tax Code of the Town of Springerville" by reference; establishing an effective date; providing for severability and providing penalties for violations. Be it ordained by the Mayor and Council of the Town of Springerville, Arizona:

Phelps Wilkins/Eric Baca motion to approve Ordinance 2007-009.

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| Vote: | Ayes: | Mary Nedrow |
| | | Eric Baca |
| | | Pete Hunt |
| | | Phelps Wilkins |

8. Springerville-Eagar Chamber of Commerce Budget Request: Discussion regarding a chamber of commerce budget presentation for FY 07/08.

Rachel Kuenstler CPA gave a short presentation regarding the new FY budget request for the chamber. She explained some of the differences in the budget they are presenting this year noting that they are including Internet DSL service for efficiency. In payroll department they are still requesting support staff for a part time clerical position at \$8.50 an hour for 1,000 hours and they would also like to independently contract with Barbara Gerres at \$16.00 an hour plus mileage to fill in when the chamber director is gone. She said the chamber is requesting \$80,000 from the two towns.

Vice Mayor Nedrow wanted to know what the total dollar amount comes to for other things such as insurance, repairs utilities and property taxes the town pays beyond the \$40,000. Ms. Asquith said she would provide these numbers in the budget packets.

9. Planning and Zoning Appointments: Discussion and action regarding the appointments of new commissioners to two vacancies on the commission.

Pete Hunt/Mary Nedrow motion to appoint Leah Chavez to the Planning and Zoning Commission for the term expiring Dec. 31, 2008, effective Sept. 14, 2007.

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| Vote: | Ayes: | Mary Nedrow |
| | | Eric Baca |
| | | Pete Hunt |
| | | Phelps Wilkins |

Pete Hunt/Eric Baca motion to appoint Ron Cavanaugh to the Planning and Zoning Commission for the term expiring Dec. 31, 2009, effective immediately.

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| Vote: | Ayes: | Mary Nedrow |
| | | Eric Baca |
| | | Pete Hunt |
| | | Phelps Wilkins |

9. Storage Containers: Discussion and direction for staff regarding storage containers within town limits.

Larisa Bogardus explained that she put together a short power point presentation on storage containers advising that with regulations storage containers can be done well and controlled. She stated that it was not the intention of the planning and zoning never to allow truck toppers as storage containers anywhere. However, there were circumstances in which storage containers could be made appropriate or unobtrusive where permitted.

The code is considered an exclusionary code, meaning that if it's not addressed, it's not permitted, which is hard to enforce. With regulations in place it would be easier to enforce, then we could say they have to abide by these regulations.

Councilman Hunt commented that with proper conditional use permits you could have a very attractive item in a commercial property without offense to anyone and was in favor of allowing

them in commercial areas with conditional use permits and individually assess each situation and location.

Councilman Wilkins and Councilman Baca both agreed that did not want to see containers allowed in residential areas but didn't have a problem with allowing them in commercial zones with guidelines.

Ms. Bogardus clarified the direction being given by the council members. They agreed with the proposed language changes that put more teeth into the code but limit containers to commercial areas and not allowing them in residential.

Mr. Shaffery advised the council that they could write the code making it effective as of this date, but cautioned going back and making it retro to everyone. His suggestion is to have an effective date and work with those people in violation because of new code.

Councilman Hunt expressed concerns with enforcement and establishing a date that would make it legitimate in commercial area.

Mr. Shaffery cautioned the council regarding the enforcement of numerous violations but also warned that if they do they must enforce all of them. They can put a date when violations start and from this date forward all others would be prosecuted. The advised the council against making it retro.

Vice Mayor Nedrow stated that she would like more discussion on this issue and said she's not ready to make any decisions.

Ms. Bogardus clarified that currently the code adopted in April allows containers in agricultural or industrial areas, without a permit but have to meet criteria. They are also allowed in commercial areas with conditional use permits. With the language presented tonight they can clean it up and make it tighter. She asked for more specific direction to bring back to the council.

Councilman Hunt said they need plans of enforcement and possibilities for conditional use that includes wording for commercial and residential.

Mayor Dyson joined the meeting at 6:44 p.m.

11. Ordinance 2007-010: Discussion and first reading of Ordinance 1007-010 amending Title 13 "Public Services"

An Ordinance of the Town of Springerville, Arizona, amending Title 13 "Public Services" of the Springerville Municipal code; and establishing an effective date, read by Mayor Dyson.

Mayor Dyson explained that this ordinance allows the Mayor or Manager the authority to enact water restrictions and conservation measures during drought season. This measure would be consistent with the town water plan and water conservation plans that have color coded phases of emergencies we would have to reach before enacting an enforcement stage.

Chief West asked for clarification on the enforcement penalty and was advised by Mr. Shaffery that it was a misdemeanor.

12. Resolution 2007- R011: Discussion and action regarding resolution #2007-011 making the "Design Review Ordinance" a public record.

Phelps Wilkins/Mary Nedrow motion to approve Resolution 2007-011 declaring the "Design Review Ordinance" a public record.

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| Vote: | Ayes: | Kay Dyson |
| | | Mary Nedrow |
| | | Eric Baca |
| | | Pete Hunt |
| | | Phelps Wilkins |

13. Ordinance 2007-011: Discussion and first reading of ordinance # 2007-011 adopting the public document entitled "Design Review Ordinance" by reference.

An ordinance of the Town of Springerville, Arizona, Adopting the public document entitled "Design Review Ordinance" by reference: amending Chapter 17 of the Town of Springerville Municipal Code; providing for severability; and establishing an effective date; Read by Mayor Dyson who explained that this ordinance sets the design review as part of the code.

14. Executive Session:

A. Consider entering into executive session with Kestrel Aviation, Inc. to discuss airport issues.

Mary Nedrow/Pete Hunt motion to adjourn into executive session.

Larisa Bogardus asked for clarification of the motion under the open meeting laws.

Motion restated; Mary Nedrow/Pete Hunt motion to enter into executive session with Kestrel Aviation to discuss airport issues at 6:50 p.m.

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| Vote: | Ayes: | Kay Dyson |
| | | Mary Nedrow |
| | | Eric Baca |
| | | Pete Hunt |
| | | Phelps Wilkins |

Mary Nedrow/Pete Hunt motion to reconvene the regular meeting at 8:10 p.m.

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| Vote: | Ayes: | Kay Dyson |
| | | Mary Nedrow |
| | | Eric Baca |
| | | Pete Hunt |
| | | Phelps Wilkins |

Mayor Dyson announced that council met and received advice from legal counsel. The council members felt that they needed more information to be thoroughly informed to make any decisions on this matter. She further stated that the August 2nd letter sent to Kestrel Aviation by our legal counsel is not relevant at this time and is on hold. This board will reconvene at its regular meeting on September 19th and will be reviewing all the information given to them with the intent to proceed with a contract review with Kestrel.

Harold Swartz asked to address the council stating that there is no need to do that. Mr. Swartz added that they've had enough and to save the council trouble, will give a letter of separation to the town. He further stated that they're not going to go through this again as they've had enough sleepless nights and harassment.

Jane Anderson stated that it's their position that the town is operating in bad faith and said she thought that they were going to discuss this in executive session. "If you want us out and you want to make sure we go broke trying to comply with minimum standards then you win, we'll leave."

Mayor Dyson stated that this was not the intent. The intent was to deem the letter irrelevant and put it on hold.

Mr. Swartz stated that they do not need the council's intent tonight. That letter, a pass and go minimum standards has nothing to do with getting grants, "it has to do with getting them out." So be it and they will get a letter for the town first thing next week.

Ms. Anderson stated that Kestrel and the Town had a valid contract that the Town fully wrote which they believe they're in compliance to the letter and the spirit of the contract.

Mayor Dyson again stated that that was where they were headed. Some of the council members haven't read the contract or a copy of the August 2nd letter and were totally uninformed.

Mr. Swartz asked why they would get a letter from an attorney right off the bat before they have even seen the minimum standards that they didn't know had been passed. Then they get a nasty gram from these people giving them thirty days to comply with things that are going to cost them fifty, sixty, a hundred thousand dollars.

Ms Anderson stated that they are supposed to comply with something they haven't even seen yet.

Mayor Dyson reiterated that they have deemed that letter irrelevant

Mr. Swartz restated that they would get the town a letter and bid the council good night.

15. Mayor Dyson called for a motion to adjourn.

Pete Hunt/Mary Nedrow motion to adjourn the meeting at 8:15 p.m.

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| Vote: | Ayes: | Kay Dyson |
| | | Mary Nedrow |
| | | Eric Baca |
| | | Pete Hunt |
| | | Phelps Wilkins |

Kay Dyson, Mayor

ATTEST:

Town clerk

I hereby certify that the foregoing is a true and correct copy of the minutes of the Springerville Town Council in regular session on Wednesday September 5, 2007. I further certify that the meeting was duly called and a quorum was present.

Dated this 7th day of September 2007

Town Clerk